

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTIRCT OF MISSISSIPPI**

**RE: JAMES D. AND ELIZABETH A. FORD
DEBTORS**

**CASE NO. 22-12848
CHAPTER 13**

JAMES D. AND ELIZABETH A. FORD

PLAINTIFF

V.

ADVERSARY NO.

RIDES TO GO, INC.

DEFENDENT

**MOTION TO COMPEL
TURNOVER OF CERTAIN PERSONAL PROPERTY**

COME NOW the plaintiffs/debtors, James D. and Elizabeth A. Ford, and allege and request as follows:

- (1) That this is an adversary proceeding brought pursuant to Rule 7001(1) F.B.R. Bankr.P. and 11 U.S.C. 542(a) to compel the Defendant, Rides to Go, Inc., to turnover certain personal property; namely, a 2008 Toyota Tundra vehicle identification number 5TFRV54188X058160.
- (2) That this Court has jurisdiction under the provisions of 28 U.S.C. 1334, 151, and 157(a).
- (3) That this Court has jurisdiction under the provision of 28 U.S.C. 157 (b)(2)(c) this is a core proceeding. See also Rule 7008(a) F.R. Bankr. P.
- (4) That under the particular facts and circumstances and applicable law the Plaintiff is entitled to possession of the above-described of the estate for use as contemplated in 11 U.S.C. 363.
 - a. Plaintiffs/Debtors filed a Chapter 13 Petition on November 2, 2022.
 - b. Plaintiffs/Debtors previously financed a 2008 Toyota Tundra, VIN number listed above, through Rides to Go, Inc.
 - c. The 2008 Toyota Tundra was repossessed by Rides to Go, Inc., on October 25, 2022.
 - d. Notice has been given of the Chapter 13 filing and demand has been made for the return of the 2008 Toyota Tundra; however, Rides to Go, Inc., has refused to release the vehicle.

- e. Plaintiffs/Debtors have insurance on said vehicle and have provided such to Rides to Go, Inc., and shall pay adequate protection payments per the Chapter 13 Plan.
- f. Rides to Go, Inc.'s refusal to promptly turnover the said vehicle constitutes a willful and unlawful exercise of control of the property of the estate in violation of the automatic stay, and therefore should be liable for damages, costs and attorney fees.
- g. Debtors request an expedited hearing to resolve this issue for the benefit of all parties involved.

WHEREFORE, Plaintiffs/Debtors respectfully pray for an expedited hearing and an Order directing turnover of the above-described property of the estate from the Defendant/Creditor. Furthermore, that the Plaintiffs/Debtors be awarded reasonable attorney fees, Court costs, punitive and compensatory damages, and any other relief deemed by this Court.

RESPECTFULLY SUBMITTED,

JAMES D. AND ELIZABETH A. FORD

BY: /s/ Kimberly B. Bowling
KIMBERLY B. BOWLING, MSBN: 99906
Attorney for the Plaintiffs

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CERTIFICATE OF SERVICE

This is to certify that I, Kimberly B. Bowling, Attorney for Plaintiffs/Debtors, have this day served a true and correct copy of the above and foregoing Complaint by electronic mail and/or U.S. Mail, first class, postage prepaid, to the following:

Terre M. Vardaman
VARDAMAN13ECF@gmail.com

U. S. Trustee
USPTRegion05.AB.ECF@usdoj.gov

Registered Agent for Rides to Go, Inc.:
Vick L. Etheridge
41 Henson Road
P.O. Box 1918
Corinth, MS 38835-1918

Rides to Go, Inc.
1700 Hwy 72 West
Corinth, MS 38834

Trout Law Firm
Attn: Hon. Clark Trout
Attorney for Rides to Go, Inc.
2084 Old Taylor Road, Suite 106
Oxford, MS 38655

SO CERTIFIED on this the 8th day of November 2022.

/s/ Kimberly B. Bowling
KIMBERLY B. BOWLING
Attorney at Law